

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-against-

FREDY RENAN NAJERA MONTOYA,  
Defendant.

**ORDER**

15 Cr. 378 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

On December 10, 2018, Defendant Fredy Renan Najera Montoya pled guilty to participating in a cocaine importation conspiracy, and to using, carrying, and possessing a machine gun in connection with that conspiracy. Defendant has moved to withdraw his guilty plea claiming, inter alia, that he received ineffective assistance of counsel. According to Montoya, his former attorney – Victor E. Rocha – (1) did not disclose two significant conflicts of interest; (2) did not properly investigate Montoya’s case and prepare an appropriate defense; and (3) instructed Montoya to lie at his guilty plea allocution. On October 2, 2019, Montoya submitted an affidavit setting forth all of his allegations concerning Rocha’s conduct, as well as an executed attorney-client privilege waiver form. (Dkt. Nos. 124-1, 124-2)

It is hereby ORDERED that Rocha submit an affidavit by **November 8, 2019** responding to Montoya’s assertions regarding Rocha’s conflicts of interest, preparation and investigation in connection with Montoya’s case, and instruction to lie during Montoya’s guilty plea allocation.

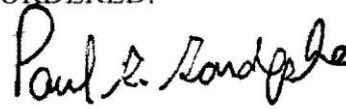
It is further ORDERED that a hearing will be conducted concerning Montoya’s ineffective assistance of counsel claims on **December 6, 2019 at 10:00 a.m.** in Courtroom 705

of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York. Rocha is directed to attend this hearing.

The Clerk of Court is directed to send a copy of this order by certified mail to Victor E. Rocha, 990 Biscayne Blvd Suite O-903, Miami, FL 33132. The Government is separately directed to provide Rocha with a copy of this order.

Dated: New York, New York  
October 24, 2019

SO ORDERED.

A handwritten signature in black ink, reading "Paul G. Gardephe". The signature is written in a cursive, flowing style. The first letter "P" is large and loops around the first few letters. The signature is positioned above a horizontal line.

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Paul G. Gardephe  
United States District Judge